



House of Representatives

File No. 856

General Assembly

January Session, 2001

(Reprint of File No. 351)

Substitute House Bill No. 6716
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
June 2, 2001

**AN ACT REVISING THE PROCESS FOR ADOPTION OF MUNICIPAL
PLANS OF CONSERVATION AND DEVELOPMENT.**

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. Section 8-23 of the general statutes is repealed and the
2 following is substituted in lieu thereof:

3 [(a) The commission shall prepare, adopt and amend a plan of
4 conservation and development for the municipality. Such plan shall
5 show the commission's recommendation for the most desirable use of
6 land within the municipality for residential, recreational, commercial,
7 industrial, conservation and other purposes and for the most desirable
8 density of population in the several parts of the municipality. Such
9 plan shall take into account the state plan of conservation and
10 development adopted pursuant to chapter 297 and shall note any
11 inconsistencies it may have with said state plan. Such plan shall make
12 provision for the development of housing opportunities, including
13 opportunities for multifamily dwellings, consistent with soil types,
14 terrain and infrastructure capacity, for all residents of the municipality
15 and the planning region in which the municipality is located, as

16 designated by the Secretary of the Office of Policy and Management
17 under section 16a-4a. Such plan shall also promote housing choice and
18 economic diversity in housing, including housing for both low and
19 moderate income households, and encourage the development of
20 housing which will meet the housing needs identified in the housing
21 plan prepared pursuant to section 8-37t and in the housing component
22 and the other components of the state plan of conservation and
23 development prepared pursuant to section 16a-26. Such plan may also
24 show the commission's recommendation for a system of principal
25 thoroughfares, parkways, bridges, streets and other public ways; for
26 airports, parks, playgrounds and other public grounds; for general
27 location, relocation and improvement of public buildings; for the
28 general location and extent of public utilities and terminals, whether
29 publicly or privately owned, for water, sewerage, light, power, transit
30 and other purposes; and for the extent and location of public housing
31 projects. Such other recommendations may be made by the
32 commission and included in the plan as will, in its judgment, be
33 beneficial to the municipality. The plan of conservation and
34 development shall be a statement of policies, goals and standards for
35 the physical and economic development of the municipality, and may
36 include all necessary and related maps, explanatory material,
37 photographs, charts or other pertinent data and information relative to
38 the past, present and future trends of the municipality, and may
39 include recommended programs for the implementation of the plan,
40 including a schedule and budget for public capital projects, and a
41 program for enactment and enforcement of zoning and subdivision
42 controls, building and housing codes and safety regulations, plans for
43 implementation of affordable housing and plans for open space
44 acquisition and greenways protection and development. In preparing
45 such plan the commission shall consider the community development
46 action plan of the municipality, if any, the need for affordable housing
47 and the protection of existing and potential public surface and ground
48 drinking water supplies, and may consider physical, social, economic
49 and governmental conditions and trends, including, but not limited to,
50 local, regional and state studies of the human resource, education,

51 health, housing, recreation, social services, public utilities, public
52 protection, transportation and circulation, cultural and interpersonal
53 communications needs of the municipality and the objectives of
54 energy-efficient patterns of development, the use of solar and other
55 renewable forms of energy, and energy conservation. The plan shall be
56 designed to promote with the greatest efficiency and economy the
57 coordinated development of the municipality and the general welfare
58 and prosperity of its people. The commission may prepare and adopt
59 plans for the redevelopment and improvement of districts or
60 neighborhoods which, in its judgment, contain special problems or
61 show a trend toward lower land values. The plan adopted under this
62 section for any municipality that is contiguous to Long Island Sound
63 shall be made with reasonable consideration for restoration and
64 protection of the ecosystem and habitat of Long Island Sound and shall
65 be designed to reduce hypoxia, pathogens, toxic contaminants and
66 floatable debris in Long Island Sound. The plan of any municipality in
67 which a traprock ridge, as defined in section 8-1aa, is located may
68 make recommendations for conservation and preservation of traprock
69 ridgelines, as defined in said section. The commission may adopt the
70 plan of conservation and development by a single resolution or may,
71 by successive resolutions, adopt parts of the plan, whether
72 geographical or functional, and amendments thereto. Prior to adopting
73 the conservation and development plan or any part thereof or
74 amendment thereto, the commission shall file in the office of the town
75 clerk a copy of such plan or part thereof or amendment thereto but, in
76 the case of a district commission, such commission shall file such
77 information in the offices of both the district clerk and the town clerk,
78 and shall hold at least one public hearing thereon, notice of the time
79 and place of which shall be published in a newspaper having general
80 circulation in the municipality at least twice at intervals of not less than
81 two days, the first not more than fifteen days, nor less than ten days,
82 and the last not less than two days prior to the date of each such
83 hearing, which notice shall make reference to the filing of such records
84 in the office of the town clerk, or both the district clerk and the town
85 clerk, as the case may be. Any plan or part thereof or amendment

86 thereto shall, upon adoption by the commission, be filed in the office of
87 the town clerk, but, if it is a district plan or amendment, it shall be filed
88 in the offices of both the district and town clerk, and shall become
89 effective at a time established by the commission, provided notice
90 thereof shall be published in a newspaper having general circulation in
91 the municipality prior to such effective date.

92 (b) The commission shall review the plan of conservation and
93 development at least once every ten years and shall adopt such
94 amendments to the plan or parts of the plan, in accordance with the
95 provisions of this section, as the commission deems necessary to
96 update the plan. On and after July 1, 2000, if a commission does not
97 review the plan within said ten years, the chief elected official of the
98 municipality shall submit a letter to the Secretary of the Office of
99 Policy and Management and the Commissioners of Transportation and
100 Economic and Community Development that explains why such
101 review was not conducted. A copy of the letter shall be included in
102 each application by the head of a municipal agency for funding for
103 development of real property submitted to said secretary or
104 commissioners until the plan is reviewed in accordance with this
105 subsection.

106 (c) The commission of any municipality more than twenty per cent
107 of which is existing preservation area, conservation area or rural land,
108 as defined in the state plan of conservation and development adopted
109 pursuant to chapter 297, shall consider as part of its plan of
110 conservation and development the use of cluster development to the
111 extent consistent with soil types, terrain and infrastructure capacity
112 within the municipality.]

113 (a) (1) At least once every ten years, the commission shall prepare or
114 amend and shall adopt a plan of conservation and development for the
115 municipality. Following adoption, the commission shall regularly
116 review and maintain such plan. The commission may adopt such
117 geographical, functional or other amendments to the plan or parts of
118 the plan, in accordance with the provisions of this section, as it deems

119 necessary. The commission may, at any time, prepare, amend and
120 adopt plans for the redevelopment and improvement of districts or
121 neighborhoods which, in its judgment, contain special problems or
122 opportunities or show a trend toward lower land values.

123 (2) If a plan is not amended decennially, the chief elected official of
124 the municipality shall submit a letter to the Secretary of the Office of
125 Policy and Management and the Commissioners of Transportation,
126 Environmental Protection and Economic and Community
127 Development that explains why such plan was not amended. Until the
128 plan is amended in accordance with this subsection, a copy of such
129 letter shall be included in each application by the municipality for
130 funding for the conservation or development of real property
131 submitted to said secretary or commissioners.

132 (b) In the preparation of such plan, the commission may appoint
133 one or more special committees to develop and make
134 recommendations for the plan. The membership of any special
135 committee may include: Residents of the municipality and
136 representatives of local boards dealing with zoning, inland wetlands,
137 conservation, recreation, education, public works, finance,
138 redevelopment, general government and other municipal functions. In
139 performing its duties under this section, the commission or any special
140 committee may accept information from any source or solicit input
141 from any organization or individual. The commission or any special
142 committee may hold public informational meetings or organize other
143 activities to inform residents about the process of preparing the plan.

144 (c) In preparing such plan, the commission or any special committee
145 shall consider the following: (1) The community development action
146 plan of the municipality, if any, (2) the need for affordable housing, (3)
147 the need for protection of existing and potential public surface and
148 ground drinking water supplies, (4) the use of cluster development
149 and other development patterns to the extent consistent with soil
150 types, terrain and infrastructure capacity within the municipality, (5)
151 the state plan of conservation and development adopted pursuant to

152 chapter 297, (6) the regional plan of development adopted pursuant to
153 section 8-35a, (7) physical, social, economic and governmental
154 conditions and trends, (8) the needs of the municipality including, but
155 not limited to, human resources, education, health, housing, recreation,
156 social services, public utilities, public protection, transportation and
157 circulation and cultural and interpersonal communications, and (9) the
158 objectives of energy-efficient patterns of development, the use of solar
159 and other renewable forms of energy and energy conservation.

160 (d) (1) Such plan of conservation and development shall (A) be a
161 statement of policies, goals and standards for the physical and
162 economic development of the municipality, (B) be designed to
163 promote, with the greatest efficiency and economy, the coordinated
164 development of the municipality and the general welfare and
165 prosperity of its people, (C) recommend the most desirable use of land
166 within the municipality for residential, recreational, commercial,
167 industrial, conservation and other purposes, (D) recommend the most
168 desirable density of population in the several parts of the municipality,
169 (E) note any inconsistencies it may have with the state plan of
170 conservation and development adopted pursuant to chapter 297, (F)
171 make provision for the development of housing opportunities,
172 including opportunities for multifamily dwellings, consistent with soil
173 types, terrain and infrastructure capacity, for all residents of the
174 municipality and the planning region in which the municipality is
175 located, as designated by the Secretary of the Office of Policy and
176 Management under section 16a-4a, (G) promote housing choice and
177 economic diversity in housing, including housing for both low and
178 moderate income households, and encourage the development of
179 housing which will meet the housing needs identified in the housing
180 plan prepared pursuant to section 8-37t and in the housing component
181 and the other components of the state plan of conservation and
182 development prepared pursuant to chapter 297.

183 (2) For any municipality that is contiguous to Long Island Sound,
184 such plan shall be (A) consistent with the Municipal Coastal Program
185 requirements of sections 22a-101 to 22a-104, inclusive, (B) made with

186 reasonable consideration for restoration and protection of the
187 ecosystem and habitat of Long Island Sound, and (C) designed to
188 reduce hypoxia, pathogens, toxic contaminants and floatable debris in
189 Long Island Sound.

190 (e) Such plan may show the commission's and any special
191 committee's recommendation for (1) conservation and preservation of
192 traprock and other ridgelines, (2) a system of principal thoroughfares,
193 parkways, bridges, streets and other public ways, (3) airports, parks,
194 playgrounds and other public grounds, (4) the general location,
195 relocation and improvement of public buildings, (5) the general
196 location and extent of public utilities and terminals, whether publicly
197 or privately owned, for water, sewerage, light, power, transit and other
198 purposes, (6) the extent and location of public housing projects, (7)
199 programs for the implementation of the plan, including (A) a schedule,
200 (B) a budget for public capital projects, (C) a program for enactment
201 and enforcement of zoning and subdivision controls, building and
202 housing codes and safety regulations, (D) plans for implementation of
203 affordable housing, and (E) plans for open space acquisition and
204 greenways protection and development, and (8) any other
205 recommendations as will, in the commission's or any special
206 committee's judgment, be beneficial to the municipality. The plan may
207 include any necessary and related maps, explanatory material,
208 photographs, charts or other pertinent data and information relative to
209 the past, present and future trends of the municipality.

210 (f) A plan of conservation and development or any part thereof or
211 amendment thereto prepared by the commission or any special
212 committee shall be reviewed, and may be amended, by the
213 commission prior to scheduling at least one public hearing on
214 adoption. At least sixty-five days prior to the public hearing on
215 adoption, the commission shall submit a copy of such plan or part
216 thereof or amendment thereto for review and comment to the
217 legislative body. Such body may hold one or more hearings on the
218 proposed plan and shall submit any comments to the commission
219 prior to the public hearing on adoption. The failure of such body to

220 report prior to or at the public hearing shall be taken as approval of the
221 plan. At least sixty-five days prior to the public hearing on adoption,
222 the commission shall submit a copy of such plan to the regional
223 planning agency for review and comment. The regional planning
224 agency shall report its comments to the commission at or before the
225 hearing. The failure of the regional planning agency to report at or
226 before the hearing shall be taken as approval of the plan. The report of
227 the regional planning agency shall be advisory. Prior to the public
228 hearing on adoption, the commission shall file in the office of the town
229 clerk a copy of such plan or part thereof or amendment thereto but, in
230 the case of a district commission, such commission shall file such
231 information in the offices of both the district clerk and the town clerk.
232 The commission shall cause to be published in a newspaper having a
233 general circulation in the municipality, at least twice at intervals of not
234 less than two days, the first not more than fifteen days, nor less than
235 ten days, and the last not less than two days prior to the date of each
236 such hearing, notice of the time and place of any such public hearing.
237 Such notice shall make reference to the filing of such plan in the office
238 of the town clerk, or both the district clerk and the town clerk, as the
239 case may be.

240 (g) The commission may adopt the plan or any part thereof or
241 amendment thereto by a single resolution or may, by successive
242 resolutions, adopt parts of the plan and amendments thereto. Any
243 plan, section of a plan or recommendation in the plan, not endorsed by
244 the legislative body of the municipality may be adopted by the
245 commission by a vote of not less than two-thirds of all the members of
246 the commission. Upon adoption by the commission, any plan or part
247 thereof or amendment thereto shall become effective at a time
248 established by the commission, provided notice thereof shall be
249 published in a newspaper having a general circulation in the
250 municipality prior to such effective date. Any plan or part thereof or
251 amendment thereto shall be filed in the office of the town clerk, except
252 that, if it is a district plan or amendment, it shall be filed in the offices
253 of both the district and town clerk.

254 (h) Following adoption of a new plan by the commission, the
255 legislative body of any municipality may hold one or more hearings on
256 the proposed plan and, by resolution, may endorse the plan for the
257 municipality.

258 Sec. 2. Subdivision (4) of subsection (a) of section 7-536 of the
259 general statutes is repealed and the following is substituted in lieu
260 thereof:

261 (4) "Local capital improvement project" means a municipal capital
262 expenditure project for any of the following purposes: (A) Road
263 construction, renovation, repair or resurfacing, (B) sidewalk and
264 pavement improvements, (C) construction, renovation, enlargement or
265 repair of sewage treatment plants and sanitary or storm, water or
266 sewer lines, including separation of lines, (D) public building
267 construction other than schools, including renovation, repair, code
268 compliance, energy conservation and fire safety projects, (E)
269 construction, renovation, enlargement or repair of dams, bridges and
270 flood control projects, (F) construction, renovation, enlargement or
271 repair of water treatment or filtration plants and water mains, (G)
272 construction, renovation or enlargement of solid waste facilities, (H)
273 improvements to public parks, (I) the preparation and revision of local
274 capital improvement plans projected for a period of not less than five
275 years and so prepared as to show the general description, need and
276 estimated cost of each individual capital improvement, (J)
277 improvements to emergency communications systems, (K) public
278 housing projects, including renovations and improvements and energy
279 conservation and the development of additional housing, (L)
280 renovations to or construction of veterans' memorial monuments, (M)
281 improvements to information technology systems to manage the
282 century date change effect, as defined in section 4d-16, (N) thermal
283 imaging systems, [and] (O) bulky waste and landfill projects, and (P)
284 the preparation and revision of municipal plans of conservation and
285 development adopted pursuant to section 8-23, as amended by this act,
286 provided such plans are endorsed by the legislative body of the
287 municipality not more than one hundred eighty days after adoption by

288 the commission. "Local capital improvement project" means only
289 capital expenditures and includes repairs incident to reconstruction
290 and renovation but does not include ordinary repairs and maintenance
291 of an ongoing nature.

292 Sec. 3. Section 7-536 of the general statutes is amended by adding
293 subsection (j) as follows:

294 (NEW) (j) No municipality shall be eligible to receive financial
295 assistance under this section for reimbursement of the cost of
296 preparing a municipal plan of conservation and development,
297 pursuant to section 8-23, as amended by this act, more than once in
298 any ten-year calendar period.

299 Sec. 4. This act shall take effect July 1, 2001, and shall apply to
300 municipal plans of conservation and development adopted after the
301 effective date of this act.

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: None

Affected Agencies: Office of Policy and Management

Municipal Impact: See Explanation Below

Explanation**State and Municipal Impact:**

The bill permits towns to use local capital improvement project (LOCIP) grant money to pay for preparing or revising a conservation and development plan.¹ Most towns pay consultants to prepare or revise their plans. Depending upon the complexity of the plan (which often correlates positively to the size of the municipality), the cost for consulting ranges from \$10,000 - \$250,000 in these cases. The remaining towns prepare or revise their plans “in-house” using available staff time and resources. Cumulatively, municipalities had a LOCIP balance of approximately \$75 million as of April 1, 2001.

The bill does not alter the amount of LOCIP funds available to each town. It provides towns with greater discretion in the use of those funds; towns could pay for conservation and development plans from LOCIP funds instead of their general funds.

House “A” made technical changes and has no fiscal impact.

¹ Under current law, LOCIP funds are authorized for a variety of purposes, including road construction, improvements to public parks, and the preparation and revision of capital improvement plans.

OLR Amended Bill Analysis

sHB 6716 (as amended by House "A")*

***AN ACT REVISING THE PROCESS FOR ADOPTION OF
MUNICIPAL PLANS OF CONSERVATION AND DEVELOPMENT.***

SUMMARY:

This bill recodifies the statutes governing the form and content of local plans of conservation and development, making few substantive changes. It extends to all towns the requirement that planning commissions consider cluster development and the authorization to recommend ways to preserve and conserve traprock and other ridgelines.

The bill makes several changes in the process for adopting or amending a plan. The changes apply to plans adopted after July 1, 2001 and amendments to those plans. The bill allows planning commissions to appoint special committees to develop recommendations and adds steps to the process, including submitting proposed plans and amendments to the town's legislative body for approval. Commissions can still adopt a plan the legislative body rejects, but must do so by a two-thirds vote. They must still review the plans at least once every 10 years and hold public hearings on proposed plans or amendments. The bill also makes technical changes.

The bill allows towns to use local capital improvement project grants to cover the cost of preparing or revising a plan if the legislative body endorsed it within 180 days after it was adopted by the commission. Towns can use the grants for this purpose only once during a 10-calendar year period.

The bill adds the environmental protection commissioner to the list of state officials towns must notify when they go more than 10 years without reviewing the plans.

It explicitly allows commissions to prepare neighborhood and district plans at any time.

*House Amendment "A" (1) changes the effective date from upon passage to July 1, 2001 and limits the bill's application to plans adopted after this date; (2) requires commissions to submit proposed plans and plan amendments to towns' legislative bodies, including boards of selectmen, councils, and other municipal or district bodies making annual appropriations; and (3) makes technical changes.

EFFECTIVE DATE: July 1, 2001 and applicable to plans and plan amendments adopted after this date.

PLAN'S PURPOSE AND CONTENT

The bill makes substantive changes to the plans' purpose and content. It requires all commissions to consider using cluster development when preparing or amending plans. Under current law, this requirement applies only to towns where over 20% of the land is identified as undeveloped in the State Plan of Conservation and Development. Cluster developments generally place buildings closer together than in conventional developments in order to leave more land as open space.

The bill allows all commissions to recommend ways to conserve and preserve traprock and other ridgelines. Under current law, only commissions in towns with identified traprock ridgelines can make these recommendations.

PLAN ADOPTION AND AMENDMENT PROCESS

Special Committees

The bill allows commissions to appoint special committees to develop recommendations for the plan. The committees can include residents and members of zoning commissions, inland wetland agencies, recreation commissions, boards of education, finance boards, and redevelopment commissions. They can also include members of boards dealing with public works or other municipal functions. The committees must consider the same factors the commission considers when it prepares the plan.

The committees can accept information from any source or request advice from any person or organization. They can hold informational meetings and inform residents about the planning process.

Review and Comments Prior to Public Hearing

The bill requires commissions to submit proposed plans and amendments to the town's legislative body and the region's planning agency at least 65 days before the public hearing the commissions must hold on adopting the proposed plan or amendments. The bill allows the legislative body to hold its own hearings on the proposed plan or amendments and submit comments to the commissions prior to their hearing. The legislative body tacitly approves the plan if it makes no comments.

The regional planning agency must report its comments at or before the hearing. Any comments it makes are advisory. The agency tacitly approves the plan if it makes no comments.

The bill explicitly allows commissions to review and amend proposed plans and amendments before scheduling the hearing.

Commissions must continue publishing notices about the hearing and file copies of proposed plans and amendments with town clerks and other specified municipal offices. They can still adopt them by a single resolution or successive resolutions. They must continue specifying the effective dates of the plan or amendments and publish newspaper notices to that effect.

Plan Adoption

The bill implies that the legislative body must act on the proposed plan and amendments after the commission's hearing. It requires the commission to approve them by a two-thirds vote if the legislative body did not endorse them.

Legislative Body Endorsement

Legislative bodies can hold hearings on the plan after the planning commission adopts them. They can also adopt resolutions endorsing the adopted plan.

STATE NOTIFICATION

The bill adds the environmental protection commissioner to the list of

state officials towns must notify if they go more than 10 years without reviewing their plans. Currently, chief elected officials must notify the Office of Policy and Management secretary and the transportation and economic and community development commissioners. Local agencies must also notify these officials each time they apply to them for funds.

NEIGHBORHOOD AND DISTRICT PLANS

The bill specifies that commissions can prepare these plans any time. The law allows them to prepare and adopt plans to redevelop and improve districts or neighborhoods facing special problems or declining property values. The bill also allows commissions to prepare these plans when these areas face special opportunities.

BACKGROUND

Related Bills

HB 6599 (File 211) requires zoning commissions, when adopting regulations, to make them consistent with the plan of conservation and development. Current law only requires them to consider the plan.

Legislative History

The House referred the bill to the following committees, which reported it favorably without changes: Appropriations (referred on April 24 and reported on May 1), Commerce (referred on May 4 and reported on May 9), Transportation (referred on May 10 and reported on May 17), and Environment (referred on May 21 and reported on 24).

COMMITTEE ACTION

Planning and Development Committee

Joint Favorable Substitute

Yea 16 Nay 1

Appropriations Committee

Joint Favorable Report

Yea 31 Nay 11

Commerce Committee

Joint Favorable Report

Yea 24 Nay 0

Transportation Committee

Joint Favorable Report

Yea 16 Nay 4

Environment Committee

Joint Favorable Report

Yea 18 Nay 4